

**From:** jandjbrown3@ecoisp.com@inetgw  
**To:** Microsoft ATR  
**Date:** 1/2/02 10:13pm  
**Subject:** settlement

I think the proposed settlement will fail to protect consumers from Microsoft's malicious business practices. There will likely be less choice available to consumers, and as a result innovation will lag behind the pace we have seen in recent years.

The support for these assertions is demonstrated by the lack of freedom of major Computer Vendors (Compaq, IBM, HP, Dell, etc...) to modify Windows Operating system installations in any meaningful manner. For example, Java was clearly broken in Windows XP as a result of Microsoft business strategies to try to stifle this thriving area in innovation. By

- a) forcing Microsoft to fix their Java problem (i.e. including a J2EE compliant SDK in the OS)  
or
  - b) Allowing major vendors to provide this fix on their own without potentially incurring punishments from Microsoft
- this monopolistic attack on consumers could be somewhat mitigated.

As the proposed settlement is currently written - the injustice is only strengthened.

I don't imagine the Judge will read my comments, as I understand from Lawyers I know that most Judges seem to look at the Tunney act as an annoying formality, rather than an important requirement - but in the event that someone will read this and examine the issue in depth - I have taken the time to submit this comment.

Thanks,  
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